

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BABYAGE.COM, INC., et al.,

Plaintiffs,

v.

TOYS "R" US, INC., d/b/a BABIES "R" US,
et al.,

Defendants.

JAMES L. MCDONOUGH, et al.,

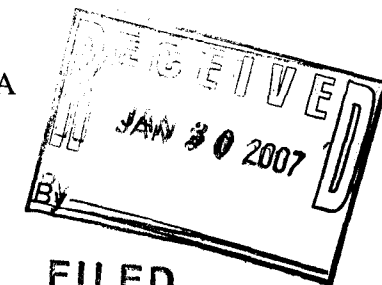
Plaintiffs,

v.

TOYS "R" US, INC., d/b/a BABIES "R" US,
et al.,

Defendants.

Civil Action
No. 2:05-CV-06792-AB



FILED

FEB - 1 2007

By Amia B. [Signature] Judge
Dep. Clerk

Civil Action
No. 2:06-CV-00242-AB

FILED

FEB - 1 2007

By Amia B. [Signature] Judge
Dep. Clerk

SECOND AMENDED SCHEDULING ORDER

AND NOW, this 21 day of January, 2007, it is hereby **ORDERED** as follows:

1. Section 1.II.c of the Amended Scheduling Order dated November 17, 2006 is **VACATED** and replaced with the following provision:

c. In lieu of the disclosures required by Fed. R. Civ. P. 26(a)(1)(C), by no later than **April 30, 2008**, Plaintiffs shall provide to Defendants copies of all documents or data used or to be used by their expert(s) for purposes of calculating damages. Defendants may then take additional fact discovery relating to the issue of damages; such discovery shall be completed on or before **June 30, 2008**.

2. Section 1.III.i of the Amended Scheduling Order dated November 17, 2006 is **VACATED** and replaced with the following provision:

i. The parties shall use their best efforts to finish producing those documents that they have previously agreed to produce in response to currently pending requests for production of documents by **February 28, 2007**. The parties shall appear for a discovery status conference with the Court on **March 27, 2007** at 9:30 a.m. Except as provided in Section 1.II.c, all fact discovery shall be completed on or before **November 1, 2007**.

3. Section 1.IV of the Amended Scheduling Order dated November 17, 2006 is **VACATED** and replaced with the following provision:

IV. Class Certification

a. The *McDonough* Plaintiffs shall move for class certification on or before **September 3, 2007**. To the extent Class Plaintiffs intend to rely upon a class certification expert(s), the report of such expert(s), if any, shall be included with the Class Plaintiffs' class certification motion.

b. The Class Plaintiffs shall make their class certification expert(s), if any, available for deposition on or before **October 2, 2007**.

c. Defendants shall file opposition papers to the Class Plaintiffs' class certification motion on or before **November 9, 2007**. To the extent Defendants intend to rely upon a class certification expert(s), the report of such expert(s), if any, shall be included with Defendants' opposition to the Class Plaintiffs' class certification motion.

d. Defendants shall make their class certification expert(s), if any, available for deposition on or before **December 7, 2007**.

e. The Class Plaintiffs shall file reply papers, if any, in support of their class certification motion on or before **January 4, 2008**. To the extent Class Plaintiffs intend to rely upon a class certification expert(s) in their class certification reply papers, the report of such expert(s), if any, shall be included therewith.

f. The Class Plaintiffs shall make their reply class certification expert(s), if any, available for deposition on or before **February 1, 2008**.

g. Defendants shall file sur-reply papers, if any, in opposition to the class certification motion on or before **February 22, 2008**. To the extent Defendants intend to rely upon a class certification expert(s) in their class certification sur-reply papers, the report of such expert(s), if any, shall be included therewith.

h. Defendants shall make their sur-reply class certification expert(s), if any, available for deposition on or before **March 21, 2008**.

i. The Court shall hear oral argument on **April 7, 2008** at 10 a.m.

4. Section 1.V of the Amended Scheduling Order dated November 17, 2006

is **VACATED** and replaced with the following provision:

V. Expert Discovery

a. Plaintiffs' Expert Disclosures – Plaintiffs shall make the disclosures required by Fed. R. Civ. P. 26(a)(2) on or before **July 7, 2008**. Plaintiffs shall make their expert(s), if any, available for deposition on or before **August 11, 2008**.

b. Defendants' Expert Disclosures – Defendants shall make the disclosures required by Fed. R. Civ. P. 26(a)(2) on or before **September 5, 2008**. Defendants shall make their expert(s), if any, available for deposition on or before **October 10, 2008**.

c. Plaintiffs' Rebuttal Expert Disclosures – Plaintiffs may serve rebuttal expert disclosures on or before **October 31, 2008**. Plaintiffs shall make their rebuttal expert(s), if any, available for deposition on or before **November 28, 2008**.

5. Section 1.VI, 1.VII and 2 of the Amended Scheduling Order dated November 17, 2006, regarding dispositive motions, other submissions (pretrial memoranda and motions in limine) and trial pool date, are **VACATED** and replaced with the following provision:

2. Dispositive motions shall be filed and served on or before **December 12, 2008**, and the parties shall contact the Court to schedule a status conference.

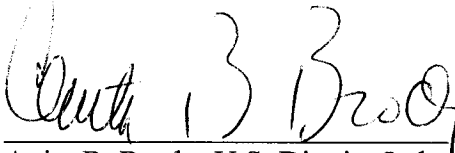
6. Section 3 of the Amended Scheduling Order dated November 17, 2006

regarding ADR is **VACATED** and replaced with the following provision:

3. Unless the parties agree to another form of ADR, they shall schedule a settlement conference before United States Magistrate Judge David Strawbridge on or about **November 7, 2007**. Judge Strawbridge will require that lead counsel and parties with full settlement authority attend the conference.

7. All other provisions of the Amended Scheduling Order dated November 17, 2006 remain in full force and effect.

IT IS SO ORDERED.


Anita B. Brody, U.S. District Judge

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